United Nations S/2009/200

Security Council

Distr.: General
13 April 2009

Original: English

# Report of the Secretary-General on the situation concerning Western Sahara

## I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1813 (2008) of 30 April 2008, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2009 and requested me to provide a report on the situation before the end of the mandate period. The present report covers developments since the issuance of my previous report dated 14 April 2008 (S/2008/251) on the situation concerning Western Sahara.

## II. Recent developments in Western Sahara

2. Overall, the situation remained calm in the Territory. The Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) marked its thirty-fifth anniversary on 20 May 2008 and the thirty-third anniversary of the proclamation of the Sahrawi Arab Democratic Republic on 27 February 2009, holding public events on both occasions.

3. King Mohammed VI of Morocco addressed the nation on 30 July 2008, the ninth anniversary of his enthronement, to reiterate the need for respect for the country's territorial integrity. He also called on Algeria to normalize ties between the two countries and reopen their common borders. Later, on the occasion of the thirty-third anniversary of Morocco's "Green March", the King, in another statement, on 6 November 2008, announced his Government's intention to transfer power to the regions, which would include Western Sahara, as part of "decentralization" reform.

4. On 22 January 2009, the Frente Polisario declared an exclusive economic zone for Western Sahara, which would extend 200 nautical miles from the coast of the Territory. Upon signing the declaration, the Secretary-General of the Frente Polisario, Mohamed Abdelaziz, said in a public statement that the declaration was based on the right of the people of Western Sahara to self-determination and to permanent sovereignty over their natural resources, and he called on the European Union to suspend its 2005 fisheries agreement with Morocco.



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5. The military coup that removed the elected President of Mauritania on 6 August 2008 was condemned by the Security Council. On 15 September, 12 Mauritanian soldiers were killed in what is suspected to have been an ambush by a group linked to Al-Qaida near Zouerate, a location in Mauritania some 140 kilometres from the nearest MINURSO team site, located in Mijek. As a result, the Mission restricted patrolling activities and further tightened security measures at all team sites east of the berm.

6. On 11 December, the European Union Commissioner for External Relations, Benita Ferrero-Waldner, met with the leader of the Frente Polisario for the first time. On 27 and 28 January 2009, a delegation of the European Parliament visited Western Sahara for the first time since 2002 to assess the situation of human rights in the Territory.

## III. Activities of my Personal Envoy

### A. Contacts with the parties and neighbouring States

7. Further to the call by the Security Council in its resolution 1813 (2008) for the parties to continue negotiations under my auspices without preconditions and in good faith, the Secretariat held numerous discussions with the parties and other interested actors regarding a fifth round of negotiations.

8. The mandate of my Personal Envoy, Peter van Walsum, ended in August 2008. In September 2008, I met with the Minister for Foreign Affairs and Cooperation of Morocco, Taïb Fassi Fihri, and discussed with him how best to move the negotiating process forward. The Under-Secretary-General for Political Affairs, B. Lynn Pascoe, visited Morocco on 14 and 15 October 2008 for further discussions on the issue. On 4 November, I met with the Secretary-General of the Frente Polisario. At those meetings, I reiterated to the parties my commitment to pursuing the process of negotiations as mandated by the Security Council. I also emphasized the fact that future negotiations would build on the progress made in the four rounds held in Manhasset, New York, and that my new Personal Envoy would be guided by Security Council resolution 1813 (2008) and earlier resolutions. He would also take into account the progress made to date in the quest to achieve a just, durable and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara.

### B. Status and progress of the negotiations

9. In January 2009, following consultations with the parties, I appointed Christopher Ross as my new Personal Envoy. Since then, Mr. Ross has held consultations with representatives of Morocco and the Frente Polisario as well as with representatives of the neighbouring countries, Algeria and Mauritania, and of other interested countries. In addition, he visited the region from 17 to 28 February for in-depth consultations on the current positions of the parties and on ways to move the process of negotiations into a more intensive and substantive phase.

10. On 19 and 20 February, my Personal Envoy met in Rabat with the Prime Minister of Morocco, Abbas El Fassi; the Minister for Foreign Affairs and

Cooperation; the Minister of the Interior, Chakib Benmoussa; and other senior Government officials and political leaders. On 20 February, he met with King Mohammed VI in Fez. In the Tindouf, Algeria, area, he met on 21 and 22 February with the Secretary-General of the Frente Polisario and with the Frente Polisario Coordinator with MINURSO, M'Hamed Khadad, other senior Frente Polisario officials and tribal leaders. He also visited the Smara refugee camp and the 27 February School.

11. On 23 February 2009, my Personal Envoy met in Algeria with President Bouteflika; the Minister for Foreign Affairs, Mourad Medelci; the Minister Delegate for Maghreb and African Affairs, Abdelkader Messahel; and other senior Government officials. As he returned from the region, my Personal Envoy undertook consultations with the authorities of Spain and France in Madrid and Paris on 26 and 27 February 2009, respectively, and with those of the United States of America in Washington, D.C., on 11 and 12 March. In addition, he met with the Permanent Representative of Mauritania to the United Nations in New York on 10 March.

12. Subsequent to his exploratory visit to the region, my Personal Envoy informed me that, during meetings in Rabat, Tindouf and Algiers, all of his interlocutors confirmed their commitment to cooperating with the United Nations with a view to reaching a solution to the issue of Western Sahara as soon as possible, as a prerequisite for the stability, integration and development of the region and for the return of the Western Saharan refugees to normal life. He also informed me that the positions of the parties had not changed since the fourth round of negotiations, held at Manhasset from 16 to 18 March 2008, and remained far apart on ways to achieve a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara, as called for by the Security Council (see S/2008/251, para. 43).

# IV. Activities on the ground

## A. Military

13. On 1 April 2009, the military component of MINURSO stood at 213 personnel, including administrative and medical unit officers, against the authorized strength of 230. The number of women military observers has decreased by two since my previous report (S/2008/251). MINURSO currently has three women military observers, from Croatia, Ghana and Mongolia. There are also six women officers as part of the Malaysian medical unit. I would welcome further deployments of women officers by troop-contributing countries, both for operational reasons and to improve the Mission's gender balance. During the period under review, the number of French-, Spanish-, and Arabic-speaking military observers decreased to 14, 25 and 17 currently deployed officers, respectively.

14. During the period from 1 April 2008 to 31 March 2009, MINURSO performed 8,507 ground patrols and 609 air reconnaissance patrols to visit units of the Royal Moroccan Army and the military forces of the Frente Polisario and to monitor their adherence to the military agreements. During the year, the Mission has made greater use of helicopter patrols as an effective monitoring method and intends to continue to increase the number of helicopter missions in the coming months.

15. MINURSO continued to enjoy good relations with the Royal Moroccan Army and the Frente Polisario armed forces. However, both sides continued to abstain from dealing directly with each other. All known contact between the two armed forces took the form of written communications through MINURSO.

16. Violations of military agreement No. 1 by both parties, excluding those pertaining to the freedom of movement of MINURSO military observers, decreased. MINURSO observed and recorded 11 new violations by the Royal Moroccan Army, a slight decrease compared to the 14 recorded between April 2007 and April 2008, and 7 new violations by the Frente Polisario, a significant decrease compared to the 22 recorded during the same period in 2007-2008. Violations by the Royal Moroccan Army included the construction of living accommodations as well as other administrative buildings in the Mahbas and Oum Dreyga subsectors without authorization by MINURSO, and the continuation of building works after expiry of the authorized time period without request for an extension. The movement of a Royal Moroccan Army logistics convoy on 14 November 2008 and of troops and equipment on four separate occasions in January 2009 without prior notification of MINURSO also constituted violations of military agreement No. 1. The Secretary-General of the Frente Polisario wrote to me on 30 December 2008 and 22 January 2009 to complain about the alleged reinforcement of the berm by the Royal Moroccan Army in the Mahbas and Oum Dreyga subsectors. MINURSO conducted an investigation and found those claims to be unsubstantiated. However, MINURSO observed that, in Oum Dreyga, the Royal Moroccan Army had diverted the original path of two segments of a trench totalling approximately one kilometre in length, in violation of military agreement No. 1. Finally, an incursion of Royal Moroccan Army equipment into the buffer strip on 11 February 2009 also constituted a violation.

17. Violations of military agreement No. 1 by the Frente Polisario included incursions in the buffer strip, the concentration of military forces in Tifariti on 20 May 2008 as part of the commemoration of the thirty-fifth anniversary of the Frente Polisario, and the establishment of a new observation post in the restricted area close to Agwanit, without authorization by MINURSO.

18. There has been no change in the status of long-standing violations by both sides since my previous report to the Security Council (S/2008/251).

19. Since that report, the Royal Moroccan Army has reported to MINURSO eight alleged violations of military agreement No. 1 by the Frente Polisario. One report referred to shots allegedly fired inside the buffer strip, and the remaining seven related to the presence of Frente Polisario soldiers and vehicles, also inside the buffer strip. After investigation, MINURSO confirmed one claim pertaining to the presence of military personnel in the buffer strip on 24 September 2008 in subsector Mehaires, which was recorded as a violation of military agreement No. 1. The remaining allegations could not be confirmed by MINURSO.

20. During the reporting period, the Royal Moroccan Army complained to MINURSO about 10 demonstrations held by the Frente Polisario inside the buffer strip, which is a heavily mined area, in the areas of Bir Lahlou and Mehaires. It should be recalled that military agreement No. 1 does not pertain to civilian activities and therefore does not prohibit civilians from entering the buffer strip. Morocco protested the demonstrations as being provocative to its soldiers, who are posted at the strongpoints along the berm and were allegedly subjected to stone-

throwing and insults from demonstrators. MINURSO received prior notification by the Frente Polisario of only 2 of the 10 demonstrations protested by the Moroccan authorities. In both cases, the Mission dispatched helicopter and ground patrols and observed the presence of Frente Polisario military personnel and equipment in the buffer strip, in violation of military agreement No. 1. Most of the demonstrations — which generally involve small groups consisting mostly of international students and civil society representatives in support of Frente Polisario — took place without incident. However, during a demonstration by about 150 expatriate Western Saharan students near Mehaires, close to the berm, on 20 August 2008, demonstrators threw stones at a MINURSO patrol vehicle that had come to monitor the situation and at Moroccan soldiers posted at a nearby strongpoint. Members of the Frente Polisario armed forces who were present at the scene did not intervene. MINURSO formally protested the incident to the Frente Polisario.

21. Also during the reporting period, the Frente Polisario submitted to MINURSO four allegations against the Royal Moroccan Army. Two of those allegations pertained to small and heavy weapons fire near the berm, and one allegation related to the alleged entry of Royal Moroccan Army soldiers into the buffer strip, none of which MINURSO could confirm. The remaining claims related to the alleged reinforcement of the berm. As described above (see para. 16), a MINURSO investigation established that, although the Royal Moroccan Army had merely been undertaking routine maintenance of the defence line that had been approved by the Mission, military agreement No. 1 had been violated in two instances (continuation of building works after expiry of the authorized time period without request for an extension, and a diversion of the trench path of approximately one kilometre). In September 2008, the Royal Moroccan Army conducted the redeployment of approximately 1,500 to 2,000 infantry soldiers from their previous positions at the berm to new observation posts along a line running parallel to the berm some 30 kilometres to the west, reportedly as a preventive measure against the trafficking and smuggling of goods and people. In December 2008, those same troops were redeployed from the 30-kilometre location to new positions 15 kilometres west of the berm, allegedly to facilitate logistical supply and to restore pastures and water to herdsmen in the areas of the initial deployment.

22. MINURSO approved several requests by the Royal Moroccan Army for the construction of new military buildings to include butcheries, cold-storage rooms and generator houses for battalions and units of equivalent size. MINURSO was also notified by the Frente Polisario of the construction of new living accommodation units in Tifariti aimed at improving the living conditions of their soldiers.

23. Over the past year, the parties have imposed significantly fewer restrictions on the freedom of movement of MINURSO military observers as per military agreement No. 1. The Royal Moroccan Army committed 75 freedom-of-movement violations over the past year, between April 2008 and March 2009, compared with 563 during the period from April 2007 to March 2008. They were committed by company-level commanders in subsectors Guelta Zemmur, Oum Dreyga and Baggari, who denied military observers access to command posts in the strongpoints. In December 2008, MINURSO met with the sector commanders of the Royal Moroccan Army to reiterate their obligation under military agreement No. 1 to grant freedom of movement to military observers. Since 1 January 2009, MINURSO has recorded no new freedom-of-movement violations by the Royal Moroccan Army. During the past year, the Frente Polisario committed two freedom-

of-movement violations, compared with 187 in the period from April 2007 to March 2008. I welcome this positive trend, and I urge both parties to pursue their commitment to ensuring that the freedom of movement of MINURSO military observers is guaranteed, in compliance with paragraph 4 of military agreement No. 1.

24. Since my previous report to the Council, the Geographic Information System cell in MINURSO has been working with the Joint Mission Analysis Center to maintain a geo-database of all military units and assets and continues to produce operational and thematic maps for the use of military and civilian personnel. With a view to increasing the operational effectiveness of military observers deployed at the team sites, the cell is currently preparing 1:100,000 scale military operations maps.

25. All nine MINURSO team sites have VHF, satellite telephone and VSAT communications. There is an ongoing programme to improve VHF communications through the construction of new antenna towers or the relocation of antennas to higher grounds. Two sites have been completed to date; the remaining sites are to be completed by the end of 2009.

26. MINURSO continued to produce locust-monitoring reports compiled by the team sites at the rate of once a week from October to April (rainy season) and once a month from April to October (dry season). A total of 21 reports were sent to the Food and Agriculture Organization of the United Nations for global monitoring purposes during the period under review.

## B. Mine action

27. Since my previous report, MINURSO has continued to expand its activities with the parties regarding military agreements Nos. 2 and 3. Joint mine-action efforts aimed at diminishing the threat posed by mines and unexploded ordnance have greatly improved the quality and scope of data collection regarding contamination by explosive remnants of war. Continued improvements to the level of safety and security of United Nations personnel working in contaminated areas were also achieved through the use of new data, more extensive safety training, revised procedures for emergency response, and, notably, the addition of a rapid-response capacity for MINURSO to deal with mine accidents east of the berm.

28. Unfortunately, the reporting period also saw an increase in the number of mine accidents involving the local population, according to reports (not all of which could be verified by United Nations military observers) received by the MINURSO Mine Action Coordination Centre from a variety of sources. A total of 18 accidents occurred in 2008 (12 on the west side of the berm and six on the east side), which constitutes an increase from the eight accidents previously reported in 2007 (S/2008/251, para. 27). While the increase was likely due in part to better and more intensive accident-information collection, heavy rains during the beginning of the year were also a key factor in creating a spike in the number of accidents related to mines and unexploded ordnance. Notably, while three accidents were reported for January and February 2008 (S/2008/251, para. 27), that number increased to eight during the first two months of 2009.

29. During the period, MINURSO continued to build on the progress achieved in the area of information management with the Geneva International Centre for Humanitarian Demining. The Information Management System for Mine Action has been provided to the Royal Moroccan Army and the international non-governmental organization Landmine Action. This development will allow for continued improvement in terms of speed and efficiency in the process of recording data on hazardous areas and demining operations.

30. The Royal Moroccan Army continued its efforts to destroy mines, unexploded ordnance and expired ammunition in response to requests for clearance by the United Nations and from the local population, in addition to its ongoing demining efforts (see S/2008/251, para. 28). The Royal Moroccan Army reported that its demining units had processed 420 square kilometres of areas suspected to be hazardous between 1 May 2008 and 28 February 2009. MINURSO monitored the destruction by the Army of 70 anti-personnel mines, 62 anti-tank mines and 1,644 pieces of large-calibre unexploded ordnance, as well as of 1,500 mines and close to 10,000 items of other explosive ordnance from stockpiles.

31. I am pleased to note that Landmine Action, in cooperation with the Frente Polisario, achieved a milestone during the reporting period with the completion of data collection for a survey of contaminated areas east of the berm (excluding the buffer strip). The survey found a total of 199 dangerous areas, along with 412 spots contaminated by unexploded ordnance. The data will be analysed and form the basis of a report that will enhance the efficiency of clearance efforts in those areas. None of the mined areas east of the berm have been fenced or marked to date; however, a marking and fencing initiative is planned for 2009-2010, if resources are available. Given the difficulty of providing mine-risk education to nomadic populations, this factor alone would greatly enhance the safety of the local population.

32. Between May 2008 and the end of February 2009, Landmine Action cleared more than 2,500,000 square metres of high-priority areas. The majority of the land cleared had been contaminated by cluster munitions. A total of 243 items of explosive ordnance and one mine were also destroyed during the period.

## C. Prisoners of war, other detainees and persons unaccounted for

33. The International Committee of the Red Cross continued to work with the parties and families concerned in pursuing the question of persons still unaccounted for in relation to the conflict.

## D. Assistance to Western Saharan refugees

34. The Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) continued to provide assistance and protection to the Western Saharan refugees in the camps near Tindouf, in partnership with the World Health Organization, the European Commission Humanitarian Office (ECHO), the Spanish Agency for International Cooperation for Development and several international and local non-governmental organizations.

35. The provision by WFP of 125,000 monthly general feeding rations to Western Saharan refugees continued throughout the reporting period, along with school

feeding and supplementary feeding for malnourished children under five years old and for pregnant women and nursing mothers. Overall, WFP distributed 24,896 tons from January 2008 through January 2009, with food commodities required for the remaining period up to the end of April already in stock in warehouses in Rabouni, Algeria. Since my previous report, the basic food basket has been diversified to include barley and rice, and a wheat and soy blend was replaced with a corn and soy blend to better meet the nutritional needs of the refugee population. WFP concluded a bilateral agreement with the Government of Spain to purchase gofio (toasted corn meal), a staple food for the Western Saharan people, which will be distributed to the refugees beginning in April 2009 in addition to the regular food basket. Finally, UNHCR also provided complementary foods, including 64 tons of tea and 27 tons of yeast, and, together with the Government of Algeria, cooking gas for the refugees.

36. Despite those efforts, a nutrition assessment study conducted in May 2008 by WFP and Médicos del Mundo, a Spanish non-governmental organization, revealed that malnutrition remained a major problem in the camps. Following an inter-agency initiative to develop a nutrition strategy, WFP and UNHCR launched a joint mission aimed at enhancing the impact of their nutrition interventions.

37. In the water and sanitation sector, UNHCR is working with a Spanish non-governmental organization, Solidaridad Internacional Andalucía, as the implementing partner responsible for the construction and maintenance of a water supply system in each of the four camps. To date, a project putting in place a network of water connections, which was initiated in 2007 as a pilot scheme in one section of Awsard camp, was successfully expanded in 2008 to cover the entire camp. There are plans to initiate the same system in Smara camp in 2009, with continuing funding from ECHO.

38. UNHCR continued to support the education sector through the provision of a large number of schoolbooks, sports clothing and uniforms for schoolchildren and teachers, beds, mattresses and blankets for the camps' boarding school, and kitchen equipment. A pilot project was initiated in Dakhla camp to provide incentives to motivate and retain skilled educators and teachers. Support for vocational training continued with a particular focus on women, young people and handicapped persons. UNHCR also supported the training of law professionals by providing equipment and conducting seminars for lawyers and judges.

39. Finally, UNHCR worked with international non-governmental organizations to support a nursing school by conducting training for nurses, chief nurses and midwives. Medical teaching material, consumables and laboratory equipment were also provided, with a view to supporting the education and training of medical personnel. In 2008, UNHCR also helped to build and equip a maternity unit and upgrade sanitary facilities at the hospital in Rabouni camp.

## E. Confidence-building measures

40. UNHCR, with logistical support from MINURSO, continued to implement its programme of confidence-building measures in close cooperation with the authorities of the Frente Polisario and Morocco.

41. Exchanges of family visits continued unabated thanks to the efforts of UNHCR and MINURSO and good cooperation by the parties concerned. Between April 2008 and March 2009, 36 round-trip family visits were conducted; and 1,114 persons travelled to the refugee camps near Tindouf, while 1,088 travelled to cities in the Territory west of the berm. Following a new round of registrations, the number of Western Saharans both from within the Territory and from the refugee camps near Tindouf who applied to participate in the programme rose to 41,134. Since the beginning of the programme, in November 2004, some 7,858 persons, mostly women, children and elderly persons, have participated in the family visits.

42. Free-of-charge telephone service between the refugees in the Tindouf camps and their family members in the Territory continued to be provided through telephone centres in four refugee camps. Between January 2004, when the service was launched, and March 2009, more than 105,705 telephone calls were made, of which 60 per cent were placed by women. UNHCR is also pursuing the establishment of a telephone centre in the remote refugee camp of Dakhla, south-west of Tindouf.

43. Following the talks held between the representatives of Morocco and the Frente Polisario in Manhasset in March 2008, and pursuant to Security Council resolution 1813 (2008), UNHCR embarked on a process of negotiations with the concerned parties with a view to expanding the family visits through land transportation. To that end, UNHCR is seeking the agreement of the Frente Polisario and Morocco, as well as of the Government of Algeria, on road transportation modalities.

44. UNHCR is also considering the introduction of additional activities, including joint summer camps for children from the Territory and the refugee camps, as well as the exchange of family visits on special social occasions, such as weddings, funerals and hajj. UNHCR has made several proposals to the parties and kept the donor community involved. The proposal to expand the programme of confidence-building measures comes in response to the frustration expressed by the beneficiaries with regard to the relatively limited capacity of the present programme.

45. MINURSO continued to support, on a reimbursement basis, the implementation of the programme of confidence-building measures. MINURSO provided aircraft, personnel and ground transportation for the programme. United Nations police officers facilitated airport procedures at arrival and departure points and accompanied UNHCR staff on their visits to beneficiaries. In addition, a doctor or a nurse from the Malaysian medical unit of MINURSO accompanied each flight. MINURSO also continued to provide logistical, security and administrative support to UNHCR.

46. The successful implementation of the confidence-building measures depends on the support of donors, but funding is unpredictable, despite repeated calls by the Security Council. Without donor commitment and financial support, UNHCR will not be able to maintain or expand the confidence-building measures, as required.

## F. Irregular migrants

47. At the time of my previous report to the Council, six irregular migrants remained in the Territory under the care of the Frente Polisario in Bir Lahlou. Of the

six, five (four from Ghana and one from Burkina Faso) agreed to be voluntarily repatriated to their country of origin and were handed over to the International Organization for Migration on 7 August 2008. The last migrant, from Nigeria, remains in Bir Lahlou.

## G. Human rights

48. The United Nations has no staff on the ground dedicated to monitoring respect for human rights in the Territory or in the refugee camps near Tindouf, since MINURSO does not have a specific human rights mandate and the Office of the United Nations High Commissioner for Human Rights has no presence in the Territory or in the refugee camps near Tindouf. Nonetheless, the United Nations recognizes its duty to uphold human rights standards in all its operations, including those relating to Western Sahara. Both parties to the conflict often accuse each other, in communications with the United Nations or in the media, of human rights violations.

49. During the period under review, the Secretary-General of the Frente Polisario wrote me on a number of occasions to express concern about alleged violations of the human rights of Western Saharans in the Territory, including the use of disproportionate force by the Moroccan police to disperse peaceful demonstrators, forcible searches of private residences, unlawful detentions, and the mistreatment and abuse of detainees. He also reported attacks against Western Saharans by a group of Moroccan individuals in Einterft, 65 kilometres north of Dakhla, on 21 July 2008, when several Western Saharans were allegedly wounded and Western Saharan-owned property destroyed.

50. The Permanent Representative of Morocco to the United Nations also wrote to me during the period under review to raise the issue of an alleged diplomatic and media campaign being waged by the Frente Polisario and Algeria for the purpose of providing a distorted picture of the situation of human rights in Western Sahara. On several occasions, in meetings with senior United Nations officials, Moroccan interlocutors expressed concern over the humanitarian situation in the Tindouf camps, the living conditions of the refugees and alleged violations of their human rights.

51. On 21 September 2008, Moroccan media outlets reported incidents in Smara involving unruly conduct by some youths and the hurling by unknown assailants of handmade explosives at the vehicle of the local Moroccan judicial police chief. The incidents were said to have led to police operations in the area aimed at finding and apprehending suspects. Two days later, Frente Polisario-affiliated media claimed that Moroccan security forces had injured and detained several Western Saharan protesters during a peaceful demonstration.

52. On 29 and 30 October 2008, the Consultative Council on Human Rights of the Government of Morocco held a public meeting in Laayoune with the Royal Advisory Council for Saharan Affairs and a number of Moroccan and local non-governmental organizations to discuss the situation of human rights in Western Sahara. As part of its conclusions, the meeting reviewed the progress made in the area of human rights and public freedoms and highlighted the need to enhance efforts to ensure better protection and promotion of human rights, with particular safeguards for union and political freedoms.

53. A European Parliament mission visited Laayoune on 27 and 28 January 2009 to review the human rights situation in the Territory. This followed a 2006 European Parliament delegation visit to the refugee camps in Tindouf. The most recent mission, which met with a broad spectrum of representatives of human rights organizations in Laayoune, was composed of members of an ad hoc delegation for Western Sahara and of a delegation for relations with the countries of the Maghreb.

## H. Administration of the Mission and security measures

54. Security work to bring the Mission into compliance with the United Nations minimum operating security standards is ongoing. All nine MINURSO team sites were equipped with perimeter defence walls, observation towers, security lighting, entrance barriers and gates. Further to the reported arrest by Moroccan authorities in Laayoune of the members of an alleged terrorist cell suspected of targeting MINURSO early in September 2008, the Mission, in liaison with the local authorities, undertook a series of measures to enhance the security of MINURSO staff and premises.

55. Facility and infrastructure improvements continued, both at the team sites and at Mission headquarters in Laayoune, with the support of the local authorities. In addition to the installation of water-treatment plants at selected team sites, the Mission is examining the feasibility of installing water bores at all team sites. Since my previous report, the Mission's efforts for the rehabilitation of desert airfields at team sites has been ongoing, thanks to the provision of engineering capability by the Royal Moroccan Army. Finally, the Mission launched an environmental protection programme in line with my efforts towards "greening the United Nations".

## I. Conduct and discipline issues

56. Conduct and discipline continues to be a high priority for the Mission. Although the total number of new cases uploaded in the misconduct tracking system during the reporting period was no more than 27, Mission leadership remained vigilant and continued to pursue prevention efforts.

57. As noted in paragraph 61 of my previous report (S/2008/251), a board of inquiry was convened to investigate the vandalism of prehistoric rock art in Western Sahara, principally in the locality of Devil Mountain (Rekeiz), near Agwanit, and also in the caves located near Tifariti. The board recommended that measures be taken to prevent any further damage, including signage calling for the respect of all archaeological sites. Appropriate disciplinary action was taken against two MINURSO military observers because of their responsibility in connection with the vandalism. The Mission is working on plans to restore the defaced sites.

# V. African Union

58. The observer delegation of the African Union to MINURSO, led by its Senior Representative, Yilma Tadesse (Ethiopia), continued to provide support and cooperation to the Mission during the period under review. I wish to reiterate my appreciation to the African Union for its contribution.

## VI. Financial aspects

59. The General Assembly, by its resolution 62/268, appropriated the amount of $45.6 million for the maintenance of MINURSO for the period from 1 July 2008 to 30 June 2009. Therefore, should the Security Council approve my recommendation set out in paragraph 67 of the present report with respect to the extension of the mandate of MINURSO, the cost for the maintenance of the Mission during the extension period will be limited to resources approved by the General Assembly.

60. As at 31 December 2008, unpaid assessed contributions to the special account for MINURSO amounted to $54.2 million. As a result of the outstanding assessed contributions, the Organization has not been in a position since April 2002 to reimburse the Governments providing troops for troop costs in the amount of $2.5 million. The total outstanding assessed contributions for all peacekeeping operations at 31 December 2008 amounted to $2,884.2 million.

## VII. Observations and recommendations

61. **I welcome the parties' commitment to continuing the process of negotiations as stated in the final communiqué issued at their fourth round of talks, held in March 2008 in Manhasset, a position which was reiterated in the meetings held with my Personal Envoy during his visit to the region in February 2009. As it would appear from the consultations held thus far that little has changed since the last round of negotiations to facilitate a positive outcome for a fifth round, careful preparation is needed. In this light, my Personal Envoy has suggested to the parties that one or more small, informal preparatory meetings be held. The parties have indicated their agreement with this approach.**

62. **On the basis of the four rounds of talks held under the auspices of the United Nations in 2007 and 2008, and taking into account the latest consultations held by my Personal Envoy, I recommend that the Security Council reiterate its call upon the parties, Morocco and the Frente Polisario, to negotiate in good faith, without any preconditions, and to show political will to enter into substantive discussions and ensure the success of the negotiations. My Personal Envoy is available to brief the parties as well as the Security Council on his assessment of the way forward.**

63. **I welcome the efforts of the parties to clear the Territory of mines and unexploded ordnance, and I am pleased with the notable humanitarian mine action progress achieved during this period. I commend the Royal Moroccan Army for its efforts in the destruction of hazardous explosive ordnance and highlight its request for more resources, such as mechanical and detection equipment, in order to increase the pace and efficiency of its clearance work. I call upon donor countries to support the parties in order to take advantage of the progress and investments made to date. I note with satisfaction the increased cooperation and sharing of information between the Mission and the Royal Moroccan Army and the work being done by Landmine Action east of the berm. Those activities have proved to be valuable and relatively inexpensive multipliers in terms of the security and effectiveness of the Mission and have a**

direct, positive effect on the safety of United Nations personnel. I encourage the parties to continue to work with MINURSO to establish direct cooperation and communication through a joint military verification commission and other forums so as to facilitate their work on mine clearance and other issues of common interest. In order to ensure that this valuable work can continue, as well as the provision by Landmine Action of an emergency capacity for mine-accident response east of the berm, additional support for the United Nations mine action effort in Western Sahara will be required. I would like also to highlight the contributions of Norway to the progress achieved to date.

64. I am pleased to note that during the reporting period there was a decrease in the number of reports of restrictions by the parties on the freedom of movement of MINURSO military observers. Nevertheless, I remain concerned that restrictions have continued on the movement of United Nations military observers seeking to visit the parties' units, headquarters and strongpoints in some specific areas. It is the responsibility of the parties to ensure that violations are not committed by their military forces, and I would encourage the parties to adhere fully to the provisions of the military agreements and to extend their full cooperation to MINURSO.

65. The human dimension of the conflict, including the plight of the Western Saharan refugees, is a continuing concern. In that context, I am pleased that the exchanges of family visits between the Territory and the refugee camps in the Tindouf area continued without interruption during the reporting period. Further to the parties' agreements on the expansion of the programme to include visits by ground transportation (S/2008/251, para. 43), I look forward to progress on the determination of the modalities for the land crossings, as this would enable the participation of a significantly higher number of Western Saharans in the programme. I also urge the parties to continue to work with UNHCR and MINURSO to explore the possibility of expanding the programme to include new activities. I am concerned, however, that this valuable humanitarian confidence-building measure is at risk and may have to be suspended if additional financial support is not forthcoming, and I strongly urge the donor community to contribute funds so that it can continue and expand during 2009 and beyond, as needed.

66. I would like to reiterate that the United Nations remains committed to upholding international human rights standards, and I repeat my call to the parties to remain engaged in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights, with a view to ensuring respect for the human rights of the people of Western Sahara in the Territory and in the refugee camps (S/2008/251, para. 71, and S/2007/619, para. 67).

67. Given the existing circumstances on the ground and in the light of my Personal Envoy's continuing efforts, I believe that the presence of MINURSO remains indispensable for the maintenance of the ceasefire in Western Sahara. Therefore, I recommend that the Security Council extend the mandate of MINURSO for a further period of one year, until 30 April 2010.

68. In conclusion, I wish to express my appreciation to Christopher Ross, my Personal Envoy, for his work in seeking a resolution of the question of Western Sahara, and to Peter van Walsum, who completed his appointment as my

**Personal Envoy in August 2008, for his tireless efforts towards a just, lasting and mutually acceptable political solution. I wish also to thank my Special Representative, Julian Harston, who served with great dedication until the end of February 2009. Finally, I thank the Force Commander, Major General Jingmin Zhao (China), currently in charge of MINURSO, as well as the men and women of MINURSO, for the work they are doing, under difficult circumstances, to fulfil the Mission's mandate.**

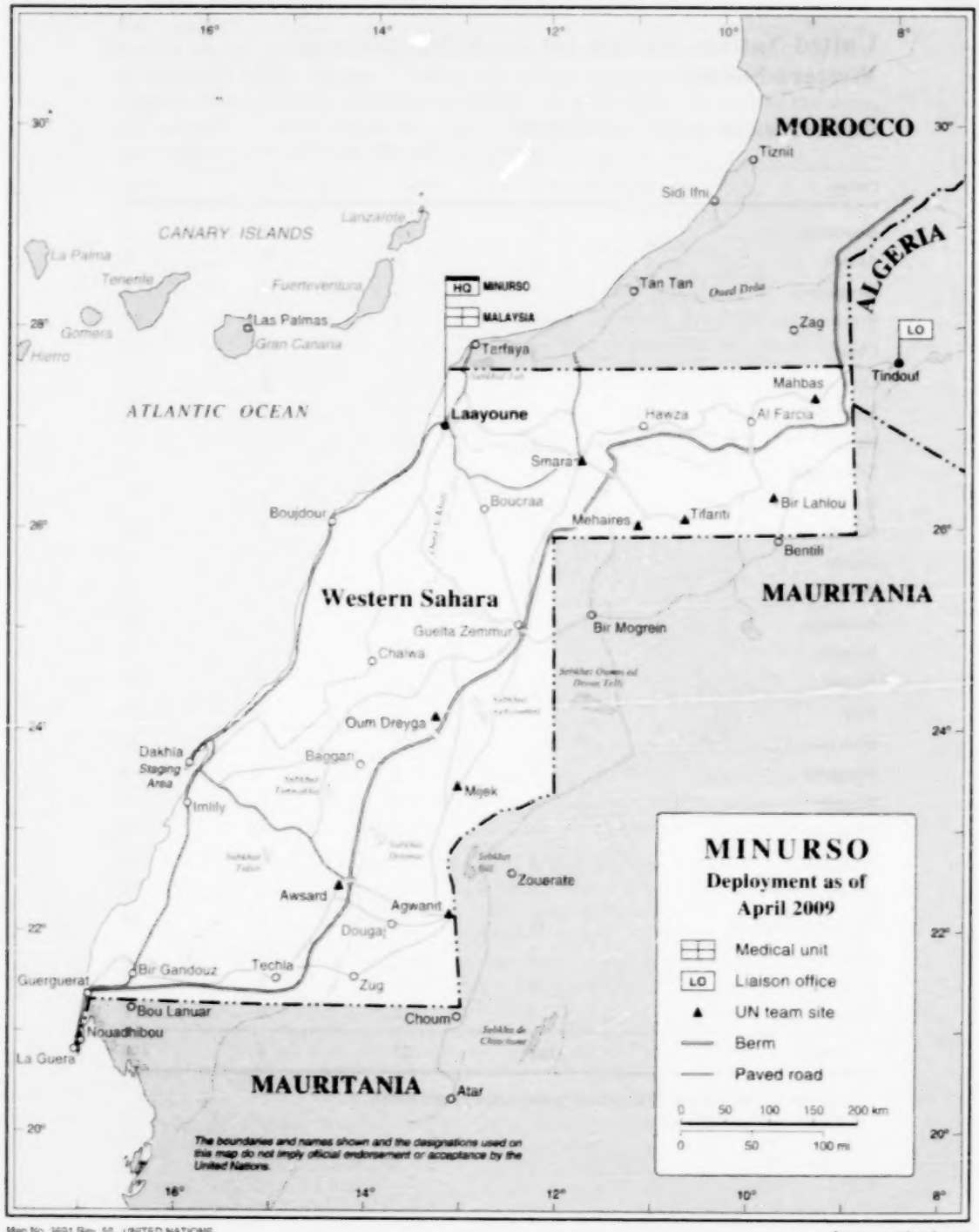
# Annex

## United Nations Mission for the Referendum in Western Sahara

### Contributions as at 1 April 2009

| *Country* | *Military observers*[a] | *Troops*[a] | *Civilian police*[b] | *Total* |
|---|---|---|---|---|
| Argentina | 1 | 0 | 0 | 1 |
| Austria | 2 | 0 | 0 | 2 |
| Bangladesh | 9 | 0 | 0 | 9 |
| Brazil | 10 | 0 | 0 | 10 |
| China | 12 | 0 | 0 | 12 |
| Croatia | 7 | 0 | 0 | 7 |
| Djibouti | 2 | 0 | 0 | 2 |
| Egypt | 18 | 0 | 3 | 21 |
| El Salvador | 6 | 0 | 3 | 9 |
| France | 13 | 0 | 0 | 13 |
| Ghana | 11 | 7 | 0 | 18 |
| Greece | 1 | 0 | 0 | 1 |
| Guinea | 5 | 0 | 0 | 5 |
| Honduras | 12 | 0 | 0 | 12 |
| Hungary | 7 | 0 | 0 | 7 |
| Ireland | 3 | 0 | 0 | 3 |
| Italy | 5 | 0 | 0 | 5 |
| Malaysia | 12 | 20 | 0 | 32 |
| Mongolia | 4 | 0 | 0 | 4 |
| Nigeria | 7 | 0 | 0 | 7 |
| Pakistan | 9 | 0 | 0 | 9 |
| Paraguay | 3 | 0 | 0 | 3 |
| Poland | 1 | 0 | 0 | 1 |
| Russian Federation | 10 | 0 | 0 | 10 |
| Sri Lanka | 3 | 0 | 0 | 3 |
| Uruguay | 4 | 0 | 0 | 4 |
| Yemen | 8 | 0 | 0 | 8 |
| **Total** | **185** | **27** | **6** | **218** |

[a] Authorized strength is 231, including the Force Commander.
[b] Authorized strength is 6.




Map No. 3691 Rev. 50 UNITED NATIONS
April 2009

Department of Field Support
Cartographic Section